

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-51 and 53-67 are pending in this application. Claims 1, 5, 16, 19, 23, 25, 29, 40, 43, 47, 49, 53, 64, 65 and 66 are independent. Claim 52 is hereby canceled without prejudice or disclaimer of subject matter, thereby obviating the objection. Claims 1, 2, 5, 16, 17, 19, 23, 25, 26, 29, 40, 41, 43, 47, 49, 50, 53, 64, 65 and 66 are hereby amended. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §112

Claims 5-15, 19-24, 29-39, 43-48, 53-63 and 65-67 were rejected under 35 U.S.C. §112 as allegedly indefinite because of the recitation, "one of classes" in independent claims 5, 19, 23, 29, 43, 47, 53, 65 and 66. Dependent claims 6-15, 20-22, 24, 30-39, 44-46, 48, 54-63 and 67 were rejected as depending on the above-identified independent claims. Independent claims 5, 19, 23, 29, 43, 47, 53, 65 and 66 are hereby amended, thereby obviating the rejection. Therefore Applicants submit that independent claims 5, 19, 23, 29, 43, 47, 53, 65 and 66 are in condition for allowance.

Applicants submit that dependent claims 6-15, 20-22, 24, 30-39, 44-46, 48, 54-63 and 67, which depend from one of the independent claims discussed above, are also in condition for allowance.

III. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-4, 16-18, 25-28, 40-42, 49-52 and 64 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Japanese Patent No. 04-281578 to Shimada.

Applicants have reviewed an English translation of Japanese Patent No. 04-281578 to Shimada and have found nothing in Shimada that would disclose or suggest the features of independent claims 1, 16, 25, 40, 49 and 64.

For example, independent claim 1, recites, *inter alia*:

“...wherein the extracting means includes feature region extracting means for extracting the predetermined pixel as a pixel existing in the feature region, when a dynamic range is greater than a predetermined value...” (emphasis added)

Applicants submit that nothing has been found in Shimada that would disclose or suggest extracting the predetermined pixel as a pixel existing in the feature region, when a dynamic range is greater than a predetermined value, as recited in claim 1. Therefore, Applicants submit that claim 1 is patentable.

Independent claims 16, 25, 40, 49 and 64 recite similar features and are believed patentable for similar reasons.

Dependent claims 2-4, 17, 18, 26-28, 41, 42, 50 and 51 are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Thus, Applicants respectfully submit that this response overcomes the 35 U.S.C. §112 and 35 U.S.C. §102 rejections and that pending claims 1-51 and 53-67 are in condition for allowance.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By Thomas F. Presson
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800